261. Power to carry wire pipes, drains, etc., through private property.—The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the said of any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same :

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person :

Provided further that the commissioner, shall, with the sanction of the standing committee, pay compensation to any person who sustans damage by the exercise of such power.

262. Prohibition against making connection without permission.—(1) No person shall, without the permission of the commisisoner, make any connection with any corporation cable, wire, pipe drain or channel or with the house connection of any other person.

(2) The commissioner may, by notice, require any connections made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

263. Power to require railway level, etc., to be raised or lowered.—If the corporation conducts any pipe or drain or other work connected with the water supply or drainages of the city across a line of railway, it may, with the sanction of the Government and at the cost of the corporation fund, require the railway administration concerned to raise or lower the level thereof.

264. Power of corporation in respect of works outside the city.—(1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Government.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the corporation sanctioned by the Government exercise all the powers which it may exercise within the city throughout the line of country through which conduits, channels, pipes lines of posts and wires and the like, run, and over any lake or reservoir from which a supply of water for the use of the corporation is derived, and over all lands at a distance not exceeding two kilometres beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filter and other works connected with the drainage of the city.

265. Provision for removal of filth.—(1) The commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish, and filth and for the final disposal of filth and carcasses of animals;

(ii) provide dust-bins for the temporary deposit of rubbish;

(iii) provide vehicles or other suitable means for the removal of carcasses of animals; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

266. Public notice ordering deposit of rubbish and filth by occupier.—(1) The commissioner may, by public notice, direct that all rubbish and filth accumulating in any premises in any street or quarter of the the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty metres of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacle.

267. Removal of rubbish and filth acculatiing in large quantities on premises.—When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 266, the commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts

or receptacles, and by such routes as may be specified in the notice to a depot or place provided or appointed under section 265; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

268. Provision for daily cleaning of streets and removal of rubbish and filth.—The commissioner shall provide—

(a) for the daily surface-cleanings of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of —

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 265 for the temporary deposit of any of the things specified therein, and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 266.

269. Rights of property of corporation in things deposited in receptacles.—All things deposited in depots or places provided or appointed under section 265 shall be the property of the corporation.

270. Directions as to removal of rubbish and filth and preparation of compost manure from rubbish and filth.—(1) In cases not provided for by any notice issued under section 266, the commissioner shall, lay down—

(a) the hours within which rubbish and filth may be removed, and

(b) the kind of cart or other receptacle in which rubbish and filth may be removed; and

(c) the route by which such carts or other receptacles shall be taken.

271. Maintenance of establishment for removal of rubbish and filth.—(1) The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from privies which are not connected with a public drain.

(2) The corporation shall, if so, required by the Government make provision for the preparation of compost manure from rubbish and filth.

272. Prohibition of the practice of employing persons for carying night-soil as head-load.—(1) Notwithstanding anything contained in this Act or in any other law, custom, fusage, agreement or practice to the country, and save as provide in sub-section (3), no person shall employ or allow himself to be employed for wages or salary for carrying night-soil as head-load or by themanual handling thereof.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offnce is continued, after the date of the first conviction and if any person is convicted for the fifth time of an offence for the contravention of the provisions of sub-section (1) he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to three hundered rupees, or with both.

(3) Nothing in this Act shall apply to any person who employes or allows himself to be employed for carrying night-soil as head-load or by the manual handling thereof in any hospital, clinic, nursing home or other similar institution or as a member of any organisation engagged in social service or to any person who himself

carries or collects night-soil for the prepartion, use or manufacture of manure.

273. Prohibition against accumulation of rubbish and filth on premises, etc.—(1) No person who is bound by any notice issued under section 266 or section 267, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 266 and 267 as the case may be.

(3) No person shall, after due provision has been made under sections 265 and 268 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or in the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner or fail to comply with any requsition of the commissioner as to the construction, repair, paving, or clearing of any privy on or belonging to, the premises.

(5) No owner or occupier shall allow the water of any sink, drain or privy or the drainage from any stable or place, or any other filth to un down on or to or to be put upon, any street, or into any drain in or a ongside of any street, except in such manner as shall prevent any avoidable unisance from any such filth soaking into the wells or ground at the side of the said drain.

274. Contribution from person having control over places of pilgrimage, etc.—Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used forholding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occassions, a large number of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, saftey, or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corpoation as the Govenment may determine.

CHAPTER XIV

STREETS

275. Vesting of public streets and their appurtenances in corporation.—(1) All public streets in the corporation reserved under the control of the Govenment, with the pavements, stones and othr materials thereof and all work materials, implements and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the corporation fund or otherwise, ,inalongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The Government may after consulting the corporation by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corpoation.

276. Maintenance and epair of streets.—The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary ro expedient for the public saftey or convenience.

277. Powers of authorities in regard to streets.—(1) The commissioner may, subject always to such sanction as may be required—

(a) lay-out and make new public streets;

(b) construct bridges and sub-ways;

(c) turn, divert, or with the special sanction of the corporation and the governent permanently close any public stseet or part thereof;

(d) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers, of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accuring to the owner or occupier concerned, from the construction or improvement made by the commissioner.

278. Power to adopt, construct or alter any subway, bridge, etc.—The commissioner when authorised by the corporation in this behalf, may agree with any person—

(a) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(b) for the construction or alterations of any such sub-way, bridge, viaduct or arch or for the purchase or acqusition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expenses of such person or partly at the expenses of such person and partly at the expense of the corporation.

279. Power to dispose of permanently closed streets.—(1) When any public street is permanently closed under section 277, the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accuring to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public sreet, on account of which the compensation is paid, is closed.

280. Acqusition of land and buildings for improvement of streets.—(1) The commissioner may, subject always to such sanction as may be required, acquire—

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land ;

(b) any land outside the proposed street alignment with the building if any standing thereupon which th corporation may consider it expedient to acquire.

(2) Any land or building acquired under clause (b) of sub-section (1) may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose, may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is trasnferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

281. Power to prescribe buliding line and street alignment.—The standing committee may—

(a) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is

considered, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the official Gazette, and also special notice thereof, signed by the commissioner has been put up inthe street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposals made in writing and delivered at the corporation office not less than three clear days before the day of such meeting.

282. Restriction on erection of or addition to buildings within street alignment or buliding line.—(1) No person shall construct any portion of any buliding within a street alignment defined under section 281 provided, however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing buliding or wall, upon the owner of the building executing an agreement binding himself and his successors in interest :—

(a) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or his sucessors to remove any building cdeated or added to in pursuance of such permission or any portion thereof; and

(b)to pay the expenses of such removal :

Provided that the commissioner shall in every case in which he gives permission, report his reasons, in writing to the standing committee.

(2) If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 281 and if such alignment be not

acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and a building line defined under section 281 except with the permision of the commisioner, who may when granting the permision impose such conditions as the standing committee may lay down for such cases.

283. Setting back projecting building or wall.—(1) When any building or part thereof abutting on a public street is within a street alignment defined under section 281 the commissioner, may, whenever it is proposed—

(a) to rebuild such building or take it down to an extxent exceeding one-half thereof above the ground level such half to be measured in cubic metre ; or

(b) to remove, reconsruct or take any condition to any portion of such building which is within the street alignment ; in the order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it ;

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition make under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression direct 'damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use ay be injuriously affected by the reduction of site.

284. Additional power of commissioner to order setting back of buildings to regular line of street.—(1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 283 do not apply, by written notice,—

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular l ineof the street shall not be pulled down and the land within the said line acquired by the commissioner.

(2) if such owner fails to show sufficient cause to the satisfaction of the commissioner why such building or any part thereof, which is within the regular line of the street shall not be puled down and the land within the said line acquired as aforesaid, the commissioner, may, with the approval of the standing committee, required the owner by

a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice;

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner;

(4)The commissioner shall at once take possession on behalf of the corporation of the portion of the land within the said line theretofore occupied by the said buildings and such land shall thence forward be deemed a part of the public street and shall vest as such in the corporation

() Nothing in this section shall be deemed to apply to buildings vesting in the Government.

285. Setting forward building to improve line of street.—The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may with the sanction of the standing committee by notice require any building to be so set forward in the case of reconstruction thereof or of new construction.

Explnation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance wth permssion or requisition to set forward a building to the street alignment if a wall of such materal and dimensions as are approved by the commissioner is erected along the said line.

286. Projected streets.—(1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended wdth and such other details as may appear desirable;

(2) The width of such proposed streets shall not ordinarily be less than twelve meters, or in any area covered by huts, six meters;

(3) When any plan has been prepared under sub-section (1), the provisions of section 282 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

287. Temporary closure of streets.—The commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any works connected with drainage, water supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

288. Protection of appurtenances and materials of streets.—It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

289. Power of the corporation to recover expenses, caused by extraordinary traffic.—When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expenses of repairing roads in the neighbourhood extraordinary expenses have been incurred by the corporation in reparing a street by reason of the damage caused by excessive weight passing along the street or extraordinay traffic thereon, or by any process of loading, unloading, or depositing excessive weights thereon, the commissioner may recover in the civil court, from any person by or in consequences of whose order such damage has been caused,

the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

290. Owner's obligation to make a street when disposing of land as building sites.—If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may about on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

291. Making of new private streets.—(1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely:—

(a) the intended level, direction and width of the street;

(b) the street alignment and the building line; and

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, during conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.